

April 12, 2004

C. David Morton
4444 Southwest 71st Avenue #103
Miami, FL 33155

RE: REQUEST FOR ADVISORY OPINION 04-56

Dear Mr. Morton:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between the firm's current work at the Seaport and serving on the team for Cruise Terminal Improvements.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice for Professional Consultants to provide architectural and engineering services related to Cruise Terminal Improvements at the Seaport. The scope of services provides that the required professional services for this project shall include but not be limited to the design and rehabilitation of existing cruise terminals 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12. The selected firm will also provide services related to terminals D and E. The County reserves the right to add other projects to this PSA.

The Notice to Professional Consultants provides that "(p) rime Consultants must identify whether they or any of their

subconsultants, or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they the sub-consultant or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as a part of this solicitation."

C. David Morton, as an associate of another firm, was the architect of record for Terminals 8 and 9. The other members of the team are Rodriguez, Peterson & Possar Architects, E.B.S. Engineering, Triangle Associates, DeRose Design Consultants, Weidener Surveying and Mapping, Basulto and Associates and Allen and Associates.

Weidener and Associates served as a subconsultant to David Volkert & Associates. In that capacity, Weidener provided surveys for the construction of the hill site, NOAH slip site and Wharf V. Weidener also provided drainage design surveys for Terminal 9 and did work on the Gantry Crane extension.

Basulto & Associates served as a subconsultant to Bruno-Elias Associates on the Bond Engineering contract. Allen and Associates completed a Value Engineering project for the Seaport on a Terminal 8 and 9 Garage Facility. Allen also completed work on an ADA analysis for the Seaport.

The Ethics Commission found that C. David Morton and the other team members do not have a conflict of interest regarding the Cruise Terminal Improvement contract. The scope of the team members' prior work at the Seaport does not overlap with the scope of work under the Cruise Terminal Improvement contract.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Luisa Millan Donovan